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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,269	04/13/2004	Johannes Kocher	16690	3482

50659 7590 03/08/2007  
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BLOOMFIELD HILLS, MI 48304

EXAMINER
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COLON SANTANA, EDUARDO

ART UNIT	PAPER NUMBER
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2837

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,269	<b>Applicant(s)</b> KOCHER ET AL.	
	<b>Examiner</b> Eduardo Colon Santana	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/7/2004</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .                 |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 6/7/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In page 5, reference signs (8', 9' and 8.1').

4. The drawings are objected to because in figure 2, reference characters "16, 16'" and "11, 11'" have both been used to designate an eccentric shaft and a setting element incorrectly.

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a brake element that is connected by way of a brake level with a support means as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawings. MPEP § 608.02(d).

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "...the brake element connected by way of a brake level with

a support means..." in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

7. The title of the invention is not fully descriptive, and is too vague. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following titles are suggested: 1) Method and Apparatus of Operating an Elevator Drive with linear Motor. 2) Method and Apparatus of Operating a Drive with linear Motor.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7 and 9-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gagnon et al. U.S. Patent No. 5,086,881.

Referring to claims 1, 2 and 12, Gagnon et al. discloses an elevator driven by a flat linear motor as claim (see all figures and respective portions of the specification). Gagnon further discloses in figures 1-3, a drive having a linear motor (12) that includes a secondary part (28) positioned between a first primary part (30) and second primary part (32), wherein a compensating means (68) carries the primary parts and acts by a compensating normal force against an attractive normal force between each of the primary parts (30, 32) and the secondary part (28) (see Col. 2, lines 50-53; Col. 3, lines 40-51 and figures 1-6).

As to claims 3, 4 and 7, Gagnon et al. discloses a primary assembly together with the primary parts in which at least one guide element (70, 72) having an attached setting means to guides the drive

Art Unit: 2837

along the secondary part and in addition move the guide elements closer or farther to the secondary element. Furthermore, Gagnon discloses that brake elements are inherently included in the linear motor (see Col. 2, lines 45-47 and Col. 5, lines 41-47). Moreover, the setting elements do not move the compensation means (68) towards or away from the secondary part.

Referring to claim 5, Gagnon et al. discloses that each guide roller is utilized to maintain an air gap between each primary element (30, 32) and the secondary element (28) (see Col. 3, lines 37-39, lines 44-47).

As to claim 6, it is well-known in the art of linear motors used in elevator systems that the width of the air gaps is at a maximum and that the attractive normal force is small when the guide elements guides the drive (primary parts) into contact with the secondary part and vice versa if the brake elements keep the drive (primary parts) in contact with the secondary part.

Referring to claim 9 it is well known in the art to stack more than one linear motor in series in an elevator shaft.

As to claims 10 and 11, the method steps are inherent in the product structure of claims 1 and 6 above. Further discussion is omitted.

Referring to claim 13, Gagnon et al. discloses in figure 1, an elevator car (14) and a drive that drives a counterweight (34) directly.

As to claim 14, Gagnon et al. depicts from figure 1, an elevator car (14) and the counterweight (34) are connected by way of at least one rope (16), wherein the drive moves the elevator and the counterweight with a 2:1 slinging.

Referring to claim 15, Gagnon depicts from figure 1, a secondary part (28) extending over the entire length of a shaft.

***Allowable Subject Matter***

9. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant is reminded that the objection to the drawings regarding claim 7 must be first overcome.

***Conclusion***

10. The prior art made of record in form 892 and not specifically relied upon is considered pertinent to applicant's disclosure to further show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon Santana whose telephone number is (571) 272-2060. The examiner can normally be reached on Monday thru Thursday 6:30am - 5:00pm.

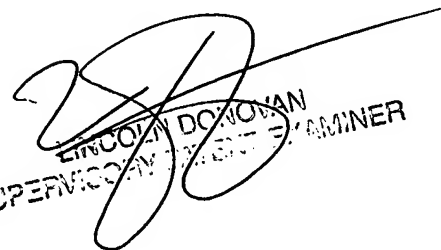
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Eduardo Colon Santana  
Examiner  
Art Unit 2837

ECS  
February 26, 2007



LINCOLN DONOVAN  
SUPERVISOR EXAMINER